

No. 281

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to discussions between the Government of Nicaragua and the Government of the United States of America regarding the Joint Combined Exchange Training (JCET) for OET-CCA from October 12, 2008 to September 30, 2009; the Medical Readiness Exercise (MEDRETE) from January 1 to June 30, 2009; the MEDRETE from May 9 to May 23, 2009; Fuerzas Aliadas Humanitarias (FAHUM) from April 15 to May 8, 2009; the Continuing Promise Deployment from July 3 to July 22, 2009; the Humanitarian Assistance Deployment to Bluefields from July 11 to July 22, 2009, as well as other military-to-military activities in Nicaragua, as mutually agreed, during 2009. The implementation of each of these separate activities (hereafter referred to collectively as the 2009 operational activities) will be carried out to further the relationship of friendship and cooperation that exists between the Republic of Nicaragua and the United States of America.

As part of the 2009 operational activities, the Embassy proposes that United States military and civilian personnel (defined as members of the United States Armed Forces and

DIPLOMATIC NOTE

civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) present in Nicaragua in connection with the 2009 operational activities be accorded treatment equivalent to that accorded to the administrative and technical staff of the Embassy of the United States of America under the Vienna Convention on Diplomatic Relations of April 18, 1961; that United States personnel be permitted to enter and exit Nicaragua with United States identification and with collective movement or individual travel orders (in advance of each of the 2009 operational activities the United States will provide a list of the names of personnel who are expected to be present in conjunction with said activity); and that Nicaraguan Authorities shall accept as valid, without a driving fee or test, valid, unexpired driving licenses or permits issued by the appropriate authorities in the United States to United States personnel for the operation of vehicles, that such personnel be authorized to wear uniforms while performing official duties in Nicaragua, and to carry weapons as agreed to by both Governments.

The Embassy also proposes that the Government of the Republic of Nicaragua accord duty-free importation and exportation, as well as exemption from inspections and taxation on products, property, material, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2009 operational activities; and that the Parties shall cooperate in taking such steps as shall be

necessary to ensure the security of United States personnel and property in Nicaragua. The Embassy further proposes vehicles, vessels, and aircraft owned or operated by or for the United States Armed Forces shall not be subject to the payment of landing or port fees, pilotage charges, navigation, overflight, or parking charges or lighterage or harbor dues while in Nicaragua; however, the United States Armed Forces shall pay reasonable charges for services requested and received.

Vehicles owned by the United States need not be registered, but shall have appropriate identification markings.

The Government of Nicaragua shall accept as valid professional licenses issued by the appropriate government authorities in the United States to United States personnel.

Title to United States Government Property (such as equipment, material, supplies, and other property) imported into or acquired in Nicaragua by or on behalf of the United States Department of Defense in connection with the 2009 operational activities shall remain with the United States Department of Defense, which may remove such property from Nicaragua at any time, free from export duties, taxes, and other charges. The exemption provided in this paragraph shall also extend to any duty, tax, or other charge that is assessed upon such property after importation into or acquisition in

Nicaragua. United States Armed Forces and United States personnel property may be removed from Nicaragua, or disposed therein, provided that disposition of such property in Nicaragua to persons or entities not entitled to exemption from applicable taxes or duties shall be subject to payment of such taxes and duties by such persons or entities.

It shall be the responsibility of United States personnel to respect the laws of Nicaragua and to abstain from any activity inconsistent with the spirit of the 2009 operational activities. Authorities of the Government of the United States shall take necessary measures to that end. Nicaraguan and United States military police investigators shall cooperate in the investigation of any crime believed to have been committed by or against United States personnel.

The Embassy proposes that both governments shall waive any and all claims (other than contractual claims) against each other for personal injury to or death of their military or civilian personnel, or for damage, loss, or destruction of property arising out of the 2009 operational activities.

The United States Government shall pay, in accordance with United States law, fair and reasonable compensation in settlement of meritorious claims by third parties arising out of acts or omissions of United States personnel or that

is otherwise in connection with activities of the United States Armed Forces under this Agreement.

In the event that agreed activities involve the use of contractors, the United States Department of Defense may award contracts for the acquisition of articles and services in accordance with United States law and regulations. The United States Department of Defense shall have the right to choose such contractors, and such contractors and their employees who are foreigners or non-nationals of Nicaragua shall be accorded the same privileges as United States personnel with regard to licensing and registration of vehicles, drivers, and professional personnel; and with regard to the export, import, and acquisition of goods and equipment for official or personal use.

The United States Armed Forces and United States personnel may use water, electricity, and other public services and facilities, for which the Government of Nicaragua will assist the United States authorities in taking measures to obtain such services from the institutions and corresponding offices, for the appropriate development of the aforementioned 2009 operational activities.

Finally, additional arrangements as may be necessary may be entered into by the appropriate authorities of the two governments.

If the foregoing is acceptable to the Government of the Republic of Nicaragua, the Embassy proposes that this Note, together with the Ministry's reply to that effect, shall constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply, and shall remain in effect for the duration of the 2009 operational activities.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.



Embassy of the United States of America,  
Managua, December 12, 2008.



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Translation

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[Republic of Nicaragua]  
**Ministry of Foreign Affairs**

No. MRE107/02/04/09

The Ministry of Foreign Affairs of the Republic of Nicaragua presents its compliments to the Embassy of the United States of America and has the honor to refer to its note verbale No. 281 dated December 12, 2008, which reads as follows:

[See U.S. Text.]

In this regard, the Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that it accepts the terms set forth in its Note No. 281 transcribed above, which, together with this note in reply shall constitute an agreement between both countries which shall enter into force on the date of this note.

[Complimentary close]

Managua, April 2, 2009

[Initialed]

[Official stamp]

Embassy of the United States of America,  
Managua.

No. 282

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Nicaragua and has the honor to refer to discussions between the Government of Nicaragua and the Government of the United States of America regarding procedures related to customs issues in reference to activities described in Diplomatic Note No. 281.

The military-to-military activities in Nicaragua scheduled for 2009, as mutually agreed in Diplomatic Note No. 281 of December 12, 2008, will be carried out to further the relationship of friendship and cooperation that exists between the Republic of Nicaragua and the United States of America.

In support of these military activities, the Embassy of the United States will assume responsibility for coordinating the duty-free importation and exportation of products, property, materiel, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2009 operational activities, by means of duty-free permits, and/or as appropriate, through permits (franquicias) or a duty-free "Provisional Importation Certificate," granted in the name of

DIPLOMATIC NOTE

the Mission. The Embassy has in place procedures to ensure our ability to carry out this responsibility.

The Embassy also reaffirms the agreement of Diplomatic Note No. 281 in which the Government of the Republic of Nicaragua will accord duty-free importation and exportation, as well as exemption from inspections and taxation on products, property, material, and equipment, imported into, acquired in or exported from Nicaragua by or on behalf of the United States Government or its personnel in connection with the 2009 operational activities.

If the foregoing is acceptable to the Government of the Republic of Nicaragua, the Embassy proposes that this Note, together with the Ministry's reply to that effect, shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply, and shall remain in effect for the duration of the 2009 operational activities.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,  
Managua, December 12, 2008.





[Republic of Nicaragua]  
**Ministry of Foreign Affairs**

No. MRE108/02/04/09

The Ministry of Foreign Affairs of the Republic of Nicaragua presents its compliments to the Embassy of the United States of America and has the honor to refer to its note verbale No. 282 dated December 12, 2008, which reads as follows:

See U.S. Text.

In this regard, the Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that it accepts the terms set forth in its Note No. 282 transcribed above, regarding procedures related to customs issues in reference to activities described in note verbale No. 281 of the same date, with the understanding that the former of the above-mentioned notes, together with this note in reply shall constitute an agreement between both countries which shall enter into force on the date of this note.

[Complimentary close]

Managua, April 2, 2009

[Initialed]

[Official stamp]

Embassy of the United States of America,  
Managua.